

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship
5 are as stated below next to my name.

I believe I am the original, first and sole
inventor (if only one name is listed below) or an
original, first and joint inventor (if plural names are
listed below) of the subject matter which is claimed
10 and for which a patent is sought on the invention
entitled "SURGICAL FASTENING SYSTEM AND METHOD FOR
USING THE SAME", the specification of which is attached
hereto.

I hereby state that I have reviewed and understand
15 the contents of the above-identified specification,
including the claims.

I acknowledge the duty to disclose information
which is material to the examination of this
application in accordance with Title 37, Code of
20 Federal Regulations, Section 1.56(a).

I hereby appoint Pandiscio & Pandiscio, a firm
composed of Nicholas A. Pandiscio, Registration No.
17293, Mark J. Pandiscio, Registration No. 30883,
Milton E. Gilbert, Registration No. 17119, David A.
25 Tucker, Registration No. 27840, Samuel W. Apicelli,
Registration No. 36,427, and Scott R. Foster,
Registration No. 20570, or any of them, of 470 Totten
Pond Road, Waltham, Massachusetts 02154, (Telephone No.
617-290-0060), my attorneys with full power of
30 substitution and revocation, to prosecute this
application and to transact all business in the Patent
Office connected therewith.

I hereby declare that all statements made herein
of my own knowledge are true and that all statements

made on information and belief are believed to be true;
 and further that these statements were made with the
 knowledge that willful false statements and the like so
 made are punishable by fine or imprisonment, or both,
 5 under Section 1001 of Title 18 of the United States
 Code and that such willful false statements may
 jeopardize the validity of the application or any
 patent issued thereon.

Inventor's signature: ✓ R DILT

10 Inventor's full name: Rickey D. Hart

Date: ✓ 11/17/95

Residence: 11 Hillside Road, Plainville, MA 02762

Post office address: same

Citizenship: USA

15 Inventor's signature: ✓ John T. Rice

Inventor's full name: John T. Rice

Date: ✓ 11/17/95

Residence: 31 Red Rail Farm, Lincoln, MA 01773

Post office address: P.O. Box 415, Lincoln, MA 01773

20 Citizenship: USA

[illegible]

2

In re Application of: Rickey D. Hart et al
For: SURGICAL FASTENING SYSTEM AND METHOD
FOR USING THE SAME
Attorney's Docket No.: INNO-15

Assistant Commissioner For Patents
Washington, D.C. 20231

VERIFIED STATEMENT CLAIMING SMALL BUSINESS ENTITY STATUS

The undersigned, Richard D. Randall, hereby declares that he is President of Innovative Devices, Inc., a Massachusetts corporation having a principal place of business at Hopkinton, Massachusetts, and is empowered to act on behalf of said corporation in this matter; that said corporation qualifies as a small business concern as defined in 13 C.F.R. 121.3-18 for purposes of paying reduced fees under Title 35, United States Code, Sections 41(a) and (b), in that the number of employees of said corporation, including those of its affiliates, does not exceed 500 persons; and that on information and belief, exclusive rights under contract have been conveyed to and remain in said corporation with regard to the invention described and claimed in the above-identified U. S. patent application.

For purposes of this statement, the number of employees of said corporation is the average over the previous fiscal year of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and concerns are affiliates of each other when either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that

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INNOVASIVE DEVICES, INC.

[Handwritten signature]

Date: November 16 1995

[illegible]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rickey D. Hart et al.
Serial No.: 09/340,584
Filing Date: 06/28/99
Title: SURGICAL FASTENING SYSTEM AND METHOD
FOR USING THE SAME
Group Art Unit: 3731
Examiner: W. Lewis
Attorney's Docket No.: INNO-15 CON 2

Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

ASSOCIATE POWER OF ATTORNEY

Please recognize as Associate Attorney in the above-identified application, with full power to prosecute said application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith:


James A. Sheridan Registration No. 43,114

who may be contacted at:

Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02451-1914
(781) 290-0060 (voice)
(781) 290-4840 (facsimile)

Thank you.

Respectfully submitted,


Scott R. Foster
Registration No. 20,570
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02451-1914
Tel. (781) 290-0060

ASSIGNMENT

We, Rickey D. Hart and, John T. Rice,
Massachusetts and, residing respectively at Plainville,
Lincoln, Massachusetts

having invented improvements in SURGICAL FASTENING SYSTEM AND METHOD FOR *
and having this day executed an application for United States patent describing
the same and based thereon (and we hereby authorize our attorney(s), authorized
to prosecute said application, to here insert the filing date and serial number
of said application, when known, Serial No. _____, Filed _____),
for good and valuable consideration, receipt of which is hereby acknowledged
from Innovasive Devices, Inc. a Massachusetts

_____ corporation having its principal place of business in
Hopkinton, Massachusetts hereinafter called the Assignee
(which term shall include its successors and assigns) do hereby sell, assign
and transfer unto the Assignee our entire right, title, and interest, in and
throughout the United States of America (including its territories and depend-
encies) and all countries foreign thereto, in and to and under said application
(which term shall include hereinafter where the context so admits all division-
al, continuing, reissue and other patent applications based thereon) and the
inventions (which term shall include each and every such invention, or any part
thereof) therein described, and any and all patents and like rights of exclu-
sion (including extensions thereof) of any country which may be granted on or
for said inventions or on said application.

And for the same consideration we do also hereby sell, assign and transfer unto
the Assignee all our rights under the International Convention for the Protec-
tion of Industrial Property and all other treaties of like purpose in respect
of said inventions and said application and we do hereby authorize the Assignee
to apply in our names or its own name for patents and like rights of exclusion
on or for said inventions in all countries, claiming (if the Assignee so de-
sires) the priority of the filing date of said application under the provisions
of said Convention or any such other treaty;

And for the same consideration we do hereby jointly and severally agree for
ourselves and for our respective heirs, executors and administrators, promptly
upon request of the Assignee, to execute and deliver without further compensa-
tion any power of attorney, assignment, original, divisional, continuing, re-
issue or other application or applications for patent or patents or like
rights of exclusion of any country, or other lawful documents and any further
assurances that may be deemed necessary or desirable by the Assignee fully to
secure to it said right, title, and interest as aforesaid in and to said in-
ventions, application, and said several patents and like rights of exclusion,
or any of them, all, however, at the expense of the Assignee;

And we do hereby authorize and request the Commissioner of Patents of the
United States of America and the corresponding Officer of each country foreign
thereto to issue to the Assignee any and all patents and like rights of ex-
clusion which may be granted in any country upon said application or on or for
said inventions;

* USING THE SAME

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- 1 -

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PANDISCIO & PANDISCIO
470 TOTTER FORD ROAD
WALTHAM, MA 02154
TEL: (617) 290-0060
TELECOPIER: (617) 290-4040

And we do hereby jointly and severally covenant for ourselves and for our respective legal representatives and agree with the Assignee that we have granted no right or license to make, use or sell said inventions to anyone except the Assignee, that prior to the execution of this deed our title and interest in and to said inventions has not been otherwise encumbered by us, and that we have not executed and will not execute any instrument in conflict herewith.

IN WITNESS WHEREOF, we hereunto set our hands and seals on the day and year hereinafter noted.

✓ R D Hart
✓ Rickey D. Hart
John T. Rice

State of Massachusetts)
County of Middlesex) ss.

Before me this 17th day of November,
1995, personally appeared Rickey D. Hart, who is to me
personally known, and acknowledged the foregoing instrument to be his free
act and deed.

SEAL

✓ Marylandini
NOTARY PUBLIC
My commission expires March 1, 1996.

State of Massachusetts)
County of Middlesex) ss.

Before me this 17th day of November,
1995, personally appeared John T. Rice, who is to me
personally known, and acknowledged the foregoing instrument to be his free
act and deed.

SEAL

✓ Marylandini
NOTARY PUBLIC
My commission expires March 1, 1996.

State of _____)
County of _____) ss.

Before me this _____ day of _____,
19____, personally appeared _____, who is to me
personally known, and acknowledged the foregoing instrument to be his free
act and deed.

SEAL

NOTARY PUBLIC

- 2 -

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